



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**GABERT**

Atty. Ref.: 1721-21

Serial No. 09/530,383

Group: 1656

Filed: May 1, 2000

Examiner: Spiegler

For: **METHOD FOR DIAGNOSING IN VITRO PATHOLOGIES  
ASSOCIATED WITH GENE ARRANGEMENTS AND  
DIAGNOSIS KITS**

\* \* \* \* \*

*Handwritten:* RECEIVED  
DEC 27 2001  
TECH CENTER 1600/2900

December 26, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**AMENDMENT UNDER RULE 116**

*Do not  
enter  
2/13/02*

Responsive to the Official Action dated September 25, 2001, entry and  
consideration of the following amendments and remarks are requested.

**IN THE SPECIFICATION**

Amend the specification as follows.

Page 21, delete the paragraph on line 16 and insert the following therefor:

--(SEQ ID NO 2, 44 nucleotides, Tm = 84°C).--

Page 21, delete the paragraph on line 26 and insert the following therefor:

--(SEQ ID NO 3, 32 nucleotides, Tm = 84°C), and--

Page 21, delete the paragraph on line 33 and insert the following therefor:

--(SEQ ID NO 4, 29 nucleotides, Tm = 86°C), and--

Page 22, delete the paragraph on line 33 and insert the following therefor:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1656  
ATC  
**RESPONSE UNDER RULE 116  
EXPEDITED HANDLING PROCEDURES**

Atty Dkt. 1721-21  
C#/M#  
Group Art Unit: 1656  
Examiner: Spiegler  
Date: December 26, 2001

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In re Patent Application of

**GABERT**

Serial No. 09/530,363

Filed: May 1, 2000

Title: METHOD FOR DIAGNOSING IN VITRO PATHOLOGIES  
ASSOCIATED WITH GENE ARRANGEMENTS AND DIAGNOSIS  
KITS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
Previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00
Independent claims after amendment	0	minus highest number		
Previously paid for	3	(at least 3) =	0 x \$ 84.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this Paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)				\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00				\$ 0.00
First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)				\$ 0.00
Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)				\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed				
			<b>SUBTOTAL</b>	<b>\$ 0.00</b>
If "small entity," then enter half (1/2) of subtotal and subtract				-\$ 0.00
<input type="checkbox"/> Statement filed herewith				
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)				\$ 0.00
Assignment Recording Fee (\$40.00)				\$ 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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Telephone: (703) 816-4000  
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BJS:1

NIXON & VANDERHYE P.C.  
By Atty.: B. J. Sadoff, Reg. No. 36,663

Signature: 

**GABERT**  
**Serial No. 09/530,363**

--(SEQ ID NO 5, 35 nucleotides, Tm = 81°C).--

Page 23, delete the paragraph spanning lines 5-6 and insert the following therefor:

-- - ribozyme 1: CUCCAGCUGA UGAGUCCGUG AGGACGAAAC CUUUGG

(SEQ ID NO 6)--

Page 23, delete the paragraph spanning lines 8-9 and insert the following therefor:

-- - ribozyme 2: CUGGAAUCUG AUGAGUCCGU GAGGACGAAA UUUUCUUC

(SEQ ID NO 7)--

### **IN THE CLAIMS**

Amend the claims as follows:

Cancel claim 16, without prejudice

17. (Amended) The method of claim 39, wherein the primers consist of 25 to 40 nucleotides.

18. (Amended) The method of claim 39, further comprising, labeling said PCR products, denaturing said labeled PCR products, and contacting the denatured labeled PCR products with a nucleotide sequence complementary to a fusion partner nucleotide sequence.